

AUTHORIZING THE TRANSFER BY THE UNITED STATES
OF ITS INTEREST IN CERTAIN INVENTIONS TO ROBERT
T. C. RASMUSSEN

MARCH 29, 1956.—Committed to the Committee of the Whole House and ordered
to be printed

Mr. WILLIS, from the Committee on the Judiciary, submitted the
following

R E P O R T

[To accompany H. R. 4635]

The Committee on the Judiciary, to whom was referred the bill (H. R. 4635) to authorize the Secretary of the Interior to transfer to Robert T. C. Rasmussen, the right, title, and interest of the United States, in foreign countries, in and to certain inventions, having considered the same, report favorably thereon with amendment and recommend that the bill do pass.

The amendment is as follows:

Page 2, line 9, before the word "and" insert "including military or economic foreign aid,".

STATEMENT

This bill authorizes the Secretary of the Interior to transfer to Robert T. C. Rasmussen the right, title, and interest of the United States in and to certain inventions, in foreign countries.

Mr. Rasmussen is a former employee of the United States Bureau of Mines, Department of the Interior, which service he left in 1952. For some time he was stationed at the Bureau's laboratory at Albany, Oreg., where he did research work in connection with ferrous metals. While so serving, Mr. Rasmussen made three inventions involving the use of wood waste as a reductant to control a smelting zone temperature and provide other incidental benefits in the electric smelting of ores.

In accordance with the regulations of the Department of the Interior, Mr. Rasmussen assigned to the United States all rights to his inventions. Patent applications relating to these inventions are pending before the Patent Office and are identified as follows:

1. Electric smelting process for the production of aluminum silicon alloys, serial No. 301,810, filed July 30, 1952;

2. Electric smelting process for manganese ores, serial No. 336212, filed February 10, 1953; and

3. Electric smelting process, serial No. 336213, filed February 10, 1953.

It is the policy of the Government generally to require an assignment to the United States of all domestic and foreign rights to any invention made by an employee within the general scope of his governmental duties. The Government does in certain instances waive its foreign rights requirement and usually does so where it has no intention of protecting the invention in foreign countries and where the employee has expressly requested such waiver. Mr. Rasmussen never requested a waiver of such foreign invention and patent rights. However, the testimony at the hearing indicates that when he assigned his invention to the Department of the Interior, he was completely unaware that he could make such a request.

Later, when it became known to Mr. Rasmussen that the Federal Government was not interested in and had no intention of filing foreign patent applications on his inventions, he sought to have the Government waive its foreign rights to the inventions. He was advised, however, that this could only be done through an act of Congress, and hence the instant bill was introduced.

This bill is essentially the same as similar bills enacted as Private Law 865 and Private Law 389 of the 83d Congress. Both of these acts involve similar problems and provided relief similar to that which is sought herein.

Generally, the United States will continue, under this legislation, to hold the right to nonexclusive, irrevocable royalty-free license for all Government purposes and along with it the right to grant sublicenses in any foreign country in which the invention may be patented and where such invention in the foreign country is being used pursuant to any procurement or production of materials for mutual defense purposes. The inventor under this legislation is merely being given the privilege of protecting the product of his skill and efforts in foreign countries where the United States Government has no intention of taking any action to protect the invention and the patent rights which may be issued therewith.

The Department of the Interior, which is directly concerned with this legislation, recommends that it be enacted.

UNITED STATES
DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington 25, D. C., May 12, 1955.

HON. EMANUEL CELLER,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.*

MY DEAR MR. CELLER: Your committee has requested a report on H. R. 4635, a bill to authorize the Secretary of the Interior to transfer to Robert T. C. Rasmussen, the right, title, and interest of the United States, in foreign countries, in and to certain inventions.

We recommend that the bill be enacted.

The United States Government has no intention to file in foreign countries the patents involved because the character of the patents makes foreign rights unnecessary for the protection of the interests of the United States.

The Bureau of the Budget has advised us that there is no objection to the submission of this report to your committee.

Sincerely yours,

D. OTIS BEASLEY,
Administrative Assistant, Secretary of the Interior.

DEPARTMENT OF COMMERCE,
OFFICE OF THE GENERAL COUNSEL,
Washington 25, May 11, 1955.

HON. EMANUEL CELLER,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington 25, D. C.*

DEAR MR. CHAIRMAN: This letter is in reply to your request of March 9, 1955, for the views of this Department with respect to H. R. 4635, a bill to authorize the Secretary of the Interior to transfer to Robert T. C. Rasmussen, the right, title, and interest of the United States, in foreign countries, in and to certain inventions.

This bill appears to be concerned primarily with matters within the purview of the Department of Interior.

Consideration of the bill as it might affect the functions of this Department, indicates that our interest is too remote to justify offering comments with respect thereto.

Sincerely yours,

PHILIP A. RAY,
General Counsel.

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